

REMARKS

Claims 3-6 and 16-20 are pending in the present application.

At the outset, Applicants wish to thank Examiner Pak for the indication that Claim 3 is allowable (page 9 of the September 21, 2004, Office Action). In view of the present amendments, reconsideration of the remaining rejections is respectfully requested.

The rejections of (a) Claims 1, 6, and 16-20 under 35 U.S.C. §112, first paragraph (written description), (b) Claims 5 and 7-20 under 35 U.S.C. §112, first paragraph (enablement), and (c) Claims 1, 6, and 16-20 under 35 U.S.C. §112, first paragraph (enablement) are obviated by the present amendment.

Applicants submit that in view of the amendments to the claims herein, the Examiner's criticisms of the claims are no longer tenable and should be withdrawn. Specifically, the Examiner's criticisms based on the breadth of permissible peroxidases is no longer believed to be applicable to the claimed invention.

Regarding *Escherichia coli* JM109/pYES92 FERM BP-7032 recited in the claims, this strain has been deposited under the terms of the Budapest Treaty as evidenced by the deposit receipts dated February 16, 2000 (a copy of which are **appended herewith** for the Examiner's convenience). The specification has been amended at page 31 to make the present application fully compliant with the rules relating to deposit of biological materials. Applicants further state that all restrictions imposed by the depositor on the availability to the public of the deposited biological material will be irrevocably removed upon granting of a patent on this application. Accordingly, the enablement requirements of 35 U.S.C. § 112, first paragraph, have been fulfilled, and as such this ground of rejection should be withdrawn.

The rejection of Claims 1-2, 6, and 11-23 under 35 U.S.C. §102(b) over Kim et al ('99) is obviated by amendment.

Applicants note that the presently claimed invention has been further defined to present subject matter that is neither disclosed, nor suggested by Kim et al ('99). More specifically, Applicants note that the art of record is silent with respect to an isolated gene having a DNA sequence of SEQ ID NO. 8 (Claim 3), Escherichia coli JM109/pYES92 FERM BP-7032 transformed with said DNA (Claim 5), and a method for degrading and decolorizing a dye by employing said Escherichia coli (Claim 6).

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

The rejections of Claims 1 and 4-23 and of Claims 7-16 under 35 U.S.C. §112, second paragraph, are obviated by amendment.

At the outset, Applicants are not clear as to what the intent of these rejection are. Specifically, Applicants are confused as to what amendment the Examiner is trying to obtain in based on his assertions on page 8, lines 1-6 of the September 21, 2004 Office Action. For example, Geotrichum candidum is written in the proper, art-recognized form. As such, it is not understood what the Examiner's statement "Geotrichum candidum should be capitalized to clearly denote it as the taxonomic name" is intended to mean. Nonetheless, Applicants note that the claims have been amended to render the Examiner's criticisms moot.

Withdrawal of these grounds of rejection are requested.

Applicants submit that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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